

1 GEORGE DEUKMEJIAN, Attorney General
2 ROBERT P. LEWIS, JR.,
3 Deputy Attorney General
4 3580 Wilshire Boulevard
5 Los Angeles, California 90010
6 Telephone: (213) 736-2035

7 Attorneys for Complainant

8 BEFORE THE
9 PODIATRY EXAMINING COMMITTEE
10 DIVISION OF ALLIED HEALTH PROFESSIONS
11 BOARD OF MEDICAL QUALITY ASSURANCE
12 DEPARTMENT OF CONSUMER AFFAIRS
13 STATE OF CALIFORNIA

12 In the Matter of the Accusation)	NO. D-2596
13 Against:)	
14 JAMES A. McFARIANO, D.P.M.)	STIPULATION, DECISION
15 3030 "H" Street)	AND ORDER
16 Bakersfield, CA 93301)	
17 Certificate No. E-2416,)	
18 Respondent.)	

18 IT IS HEREBY STIPULATED by the parties to this action
19 as follows:

20 1. Respondent James A. McFarland, D.P.M. (hereinafter
21 "respondent") has received a copy of the accusation pending
22 before the Podiatry Examining Committee (hereinafter the
23 "committee") of the Division of Allied Health Professions
24 of the Board of Medical Quality Assurance in case number D-2596
25 (hereinafter referred to as the "accusation"). A copy of the
26 accusation is attached hereto and is marked "Annex A" and
27 incorporated herein by reference as though fully set forth.

1 2. Respondent has retained the services of H. Dennis
2 Beaver, Esq., to be his attorney of record in case number D-2596.
3 Furthermore, respondent has counseled with Mr. Beaver concerning
4 the content and effect of this stipulation.

5 3. Respondent is aware of his right to a hearing on
6 the charges and allegations contained in the accusation, his
7 right to reconsideration, appeal, and all other rights which may
8 be accorded him by the California Administrative Procedure Act in
9 connection with the accusation. For the purpose of this
10 stipulation, respondent hereby freely and voluntarily waives his
11 right to a hearing, to reconsideration, to appeal, and any and
12 all other rights accorded to him by the California Administrative
13 Procedure Act or any other law with regard to the accusation.

14 4. Respondent James A. McFarland, D.P.M., admits each
15 and every factual allegation contained in paragraphs 1, 2, 6, 8,
16 10, and 15.

17 5. Based upon the foregoing factual admissions,
18 respondent stipulates that the committee may take action against
19 his podiatrist's certificate pursuant to the provisions of former
20 section 2525.12 (now recodified as § 2497) of the Business and
21 Professions Code (hereinafter all statutory references are to the
22 Business and Professions Code), taken together with former
23 sections 2360 and 2361 (now recodified as §§ 2221, 2230 and
24 2234), former section 2384 (now recodified as § 2237), former
25 section 2390 (now recodified as § 2239) and section 490.

26 6. Based upon the foregoing admissions, stipulations,
27 and recitals, the parties hereby further stipulate that the

1 division may issue a decision and order upon the stipulation as
2 follows:

3 A. Podiatrist's certificate number E-2416, heretofore
4 issued to respondent James A. McFarland, D.P.M., is hereby
5 revoked; provided, however, said revocation shall be stayed
6 for a period of five years and respondent James A.
7 McFarland, D.P.M., shall be placed on probation for that
8 period of time upon the following terms and conditions of
9 probation:

10 (1) Respondent's said podiatrist's certificate
11 number E-2416 shall be suspended for a period of one
12 year; provided, however, inasmuch as respondent volun-
13 tarily ceased practice as podiatrist on or about
14 January 1, 1981, as a result of having been served with
15 the accusation herein, said respondent shall be given
16 credit for eight months' suspension already served and
17 shall only serve a further suspension of 120 days,
18 which suspension shall commence on the date of any
19 decision rendered herein pursuant to this stipulation.

20 (2) Respondent shall not prescribe, administer,
21 dispense, order, or possess (except as prescribed,
22 administered, or dispensed to respondent by another
23 person authorized by law to do so) controlled
24 substances as defined by the California Uniform
25 Controlled Substances Act except for those drugs listed
26 in schedules IV and V; provided, however, respondent
27 may prescribe, administer, dispense, or order
controlled substances listed in schedules II and III of

1 the act when doing so for patients under respondent's
2 care admitted to inpatient status in a licensed
3 hospital;

4 (3) Within one year of the effective date of this
5 decision, respondent shall submit to the committee for
6 its prior approval, a program of approved category I
7 continuing medical education related to the violations
8 found in the decision. The exact number of hours and
9 specific content of the program shall be determined by
10 the committee or its designee and shall not total less
11 than 25 nor more than 75 hours per year. This program
12 shall be in addition to the continuing medical
13 education requirements for licensure. The committee or
14 its designee may also require respondent to pass an
15 examination related to the content of the program.

16 (4) Respondent shall completely abstain from the
17 personal use or possession of controlled substances as
18 defined in the California Uniform Controlled Substances
19 Act and dangerous drugs as defined by section 4211 of
20 the Business and Professions Code, except those
21 prescribed, administered, or dispensed to respondent by
22 another person authorized by law to do so.

23 (5) Respondent shall comply immediately with
24 requests from the committee's designee to submit to
25 biological fluid testing.

26 (6) Within 30 days of the effective date of this
27 decision, respondent shall undergo an administrative

1 psychiatric evaluation by a psychiatrist designated by
2 the committee who shall furnish a report to the
3 committee stating whether respondent is fit to practice
4 podiatry and whether respondent requires psychiatric
5 treatment to practice podiatry safely. Respondent
6 shall not engage in the practice of podiatry until
7 respondent has been deemed fit to practice podiatry
8 safely by the administrative psychiatrist and has been
9 so notified by the division. If respondent is judged
10 by the administrative psychiatrist to be in need of
11 psychiatric treatment in order to practice podiatry
12 safely, respondent shall within 30 days of notification
13 of the requirement of psychiatric treatment submit to
14 the committee for its prior approval the name and
15 qualifications of the psychiatrist of his choice. Upon
16 approval, respondent shall undergo treatment and
17 continue treatment until such time as the committee
18 deems that no further psychiatric treatment is
19 necessary. To make this determination, the committee
20 may require periodic administrative psychiatric
21 evaluations. Furthermore, respondent shall bear the
22 costs of said administrative psychiatric examinations
23 and said treatment.

24 (7) Respondent shall obey all federal, state,
25 and local laws, and all rules governing the practice of
26 podiatry in California.

27 /

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

(8) Respondent shall submit quarterly declarations under penalty of perjury on forms provided by the committee, stating whether there has been compliance with all the conditions of probation.

(9) Respondent shall comply with the committee's probation surveillance program.

(10) Respondent shall appear in person for interviews with the committee's medical consultant upon request at various intervals with reasonable notice.

(11) In the event respondent should leave California to reside or to practice outside the state, respondent must notify in writing the committee of the dates of departure and return. Periods of residency or practice outside California will not apply to the reduction of this probationary period.

(12) If respondent violates probation in any respect, the committee, after giving respondent notice and the opportunity to be heard, may set aside the stay order and reimpose the revocation of respondent's certificate or take any further action it deems proper.

(13) Upon successful completion of probation, respondent's certificate will be fully restored.

7. In the event that this stipulation is not accepted

/

/

/

/

1 by the division, it shall have no force or effect whatsoever upon
2 any of the parties hereto.

3 GEORGE DEUKMEJIAN, Attorney General
4 ROBERT P. LEWIS, JR.,
5 Deputy Attorney General

6 DATED:

30 September 1981

Robert P. Lewis, Jr.
7 ROBERT P. LEWIS, JR.
8 Deputy Attorney General

9 Attorneys for Complainant

10 DATED:

23/Sept/81

H. Dennis Beaver, Esq.
11 H. DENNIS BEAVER, ESQ.

12 Attorney for Respondent

13 I understand that by entering into this stipulation, I
14 waive my right to a hearing, to reconsideration, to appeal, and
15 all other rights afforded me by law in connection with these
16 proceedings. I have read the foregoing stipulation and I have
17 discussed it with my counsel. The terms are acceptable to me. I
18 understand that by the terms of this stipulation, the Podiatry
19 Examining Committee of the Division of Allied Health Professions
20 may issue an order disciplining my Podiatrist's Certificate
21 number E-2416, which order includes an actual suspension of said
22 certificate for a period of one year, of which period time I have
23 been given eight months' credit, requiring me to serve a
24 remaining period of suspension of 120 days from the date of any
25 decision resulting from this stipulation, and placing me on

26 /

27 /

1 probation for a period of five years with terms and conditions of
2 probation which I must fulfill.

3
4 DATED: 23 Sept 81

James Alan M. McFarland
JAMES A. MCFARLAND, D.P.M.

Respondent

5
6
7 * * * * *

8 DECISION AND ORDER

9 The foregoing stipulation is hereby accepted and
10 adopted as its decision in this matter by the Podiatry Examining
11 Committee of the Division of Allied Health Professions of the
12 Board of Medical Quality Assurance. This decision shall become
13 effective on the 8th day of January, 1982.

14 DATED: December 9, 1981

Godfrey W. Nix
GODFREY W. NIX, D.P.M.
Chairperson
Podiatry Examining Committee

15
16
17
18
19
20
21
22
23
24
25
26
27
Marc Babitz
MARC BABITZ, M.D.
President
Division of Allied Health Professions

1 GEORGE DEUKMEJIAN, Attorney General
2 ROBERT P. LEWIS, JR.,
3 Deputy Attorney General
4 3580 Wilshire Boulevard
5 Los Angeles, California 90010
6 Telephone: (213) 736-2035

7
8 Attorneys for Complainant

9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
BEFORE THE
PODIATRY EXAMINING COMMITTEE
DIVISION OF ALLIED HEALTH PROFESSIONS
BOARD OF MEDICAL QUALITY ASSURANCE
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

12 In the Matter of the Accusation) NO. P-2596
13 Against:)
14 JAMES A. McFARLAND, D.P.M.)
15 3030 "H" Street)
16 Bakersfield, CA 93301)
17 Certificate No. E-2416,)
18 Respondent.)

19 Complainant alleges:

- 20 1. Complainant, Robert G. Rowland, (hereinafter the
21 complainant) is the executive director of the Board of Medical
22 Quality Assurance, State of California (hereinafter the "Board")
23 and makes this accusation solely in his official capacity.
- 24 2. During 1979, the Podiatry Examining Committee,
25 Division of Allied Health Professions of the Board (hereinafter
26 the "Committee") issued Certificate Number E-2416 to respondent,
27 James A. McFarland, D.P.M. (hereinafter "respondent") as a
doctor of podiatric medicine. Said certificate is in full force

1 and effect.

2 3. Section 2525.12 of the Business and Professions
3 Code (all sectional references are to the Business and
4 Professions Code unless otherwise noted) provides that the
5 committee may order the suspension, revocation, or the
6 imposition of probationary conditions upon a certificate to
7 practice podiatry medicine for any of the causes set forth in
8 Article 13 (commencing with section 2360) of Chapter 5 (medicine)
9 of Division 2 (healing arts) of the Business and Professions
10 Code.

11 4. Sections 2360 and 2361 provide that, as applicable
12 herein, every certificate issued may be suspended or revoked if
13 the holder is guilty of unprofessional conduct which has been
14 brought to the committee's attention or whose certificate has
15 been issued by mistake.

16 5. Section 2384 provides that the conviction of a
17 charge of violating any federal statutes or rules regulating
18 narcotics, dangerous drugs or controlled substances constitutes
19 unprofessional conduct.

20 6. Section 11054 subdivision (c)(10) of the Health and
21 Safety Code provides that heroin is a schedule I controlled
22 substance.

23 7. Article 134 of the Uniform Code of Military Justice
24 (hereinafter "UCMJ")(10 USCA section 934) provides that all
25 disorders and neglects to the prejudice of good order and
26 discipline in the armed forces, all conduct of a nature to bring
27 discredit upon the armed forces, and crimes and offenses not

1 capital, of which persons subject to the UCMJ may be guilty shall
2 be taken cognizance of by a general, special, or summary court-
3 marshal, according to the nature and degree of the offense, and
4 shall be punished at the discretion of that court.

5 8. Respondent's certificate is subject to discipline
6 pursuant to section 2525.12 in that he has evinced a course of
7 unprofessional conduct as defined by section 2384 in that he has
8 been convicted of a charge of violating a federal statute
9 regulating narcotics, dangerous drugs, or controlled substances.
10 The circumstances follow:

11 A. On or about January 4, 1978, respondent, while a
12 captain in the United States Air Force, and, as such, a
13 person subject to the provisions of the Uniform Code of
14 Military Justice, pleaded guilty to a violation of Article
15 134 of the UCMJ in that he did at or near Clark Air Base,
16 Republic of the Philippines, on diverse occasions, between
17 about April 1, 1977 and about July 8, 1977, wrongfully use a
18 habit forming narcotic drug, to wit: heroin.

19 B. As a result of said conviction, respondent was
20 sentenced to dismissal from the United States Air Force, to
21 forfeiture to all pay and allowances, and to nine months
22 confinement at hard labor at the United States Disciplinary
23 Barracks, Fort Leavenworth, Kansas.

24 9. Section 2390, as relevant herein, provides that the
25 administering to oneself of any of the controlled substances
26 specified in Schedule I of section 11054 of the Health and Safety
27 Code; or the conviction of any felony involving the use,

1 consumption or self-administration of such substances constitutes
2 unprofessional conduct.

3 10. Respondent is subject to discipline pursuant to
4 section 2525.12 in that he has evinced courses of unprofessional
5 conduct as defined by section 2390. The circumstances follow:

6 A. Complainant refers to paragraphs A and B of
7 paragraph 8 alleged hereinabove and incorporates the same
8 herein as though fully set forth.

9 B. By virtue of his plea of guilty, respondent
10 admitted to the self-use of heroin, a schedule I controlled
11 substance within the meaning of section 11054 of the Health
12 and Safety Code.

13 C. Said conviction is a felony within the meaning of
14 the Uniform Code of Military Justice and section 2390.

15 11. Sections 2361 and 2387 provide that the procuring
16 by fraud or misrepresentation of any certificate constitutes
17 unprofessional conduct.

18 12. Section 490 provides that a board may suspend or
19 revoke a license on the ground that the licensee has been
20 convicted of a crime, if the crime is substantially related to
21 the qualifications, functions, or duties of the Business and
22 Profession for which the license was issued on the ground of
23 knowingly making a false statement of fact required to be
24 revealed in the application for such license.

25 13. Respondent is subject to discipline pursuant to
26 sections 490, 2360, 2361 and 2387. The circumstances follow:

27 /

A. Complainant refers to subparagraphs BA, BB, 10B and 10C alleged hereinabove and incorporates the same herein as though fully set forth.

D. At the time respondent submitted his application for a podiatry certificate, said application at block 13 asked "have you ever been convicted, plead guilty or nolo contendere to a violation of a federal, state, or local law relating to the manufacturer, distribution, or dispensing of controlled substances/narcotics or to drug addiction?"

/

1

/

1

1

1

1

2

i

/

/

/

/

1

/

1

1

1

1 C. Respondent answered said question by marking it
2 "no."

3 D. Respondent submitted said application to the
4 committee on March 9, 1979.

5 14. Article 121 of the UCMJ (10 USCA section 921)
6 provides that any person subject to the UCMJ who wrongfully takes,
7 obtains, or withholds by any means from the possession of the
8 owner or of any other person any money, personal property or
9 article of any kind with intent to permanently or temporarily
10 deprive or defraud another person of the use and benefit of the
11 property or to appropriate it to his own use or the use of any
12 person other than thereover steals that property and is guilty of
13 larceny and may be punished as a court-martial marshal may direct.

14 15. Respondent is subject to discipline under section
15 490 of the code in that he has been convicted of crimes
16 substantially related to the practice of podiatry to wit:

17 A. Complainant refers to subparagraph A and B of
18 paragraph 8 alleged hereinabove and incorporates the same
19 herein as though fully set forth.

20 B. In addition, pursuant to said court-martial,
21 respondent was also convicted by said court of a violation of
22 Article 121 of the UCMJ in that he was found to have at Clark
23 Air Base, Republic of the Philippines, between March 1, 1977
24 and June 28, 1977, steal one Pelton and Crane Company
25 sterilizer FSN 6530-782-6503, DSA 120-73-C-3638-US of a value
26 of about \$200, the property of the United States.

27

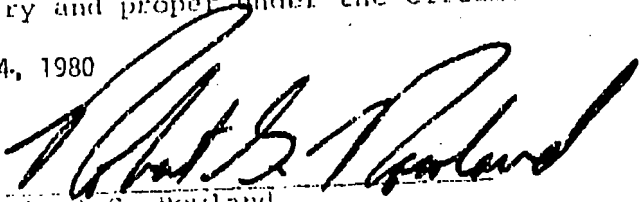
1 16. Respondent's license is further subject to
2 discipline pursuant to section 2361 in that the committee would
3 not have issued respondent's license to him had it known of the
4 matters alleged hereinabove in paragraphs 8 and 12 and 15 and, as
5 such, issued said license by mistake.

6 WHEREFORE, complainant prays the committee hold a
7 hearing into the matters alleged hereinabove and, following such
8 hearing, issue a decision:

9 1. Revoking or suspending certificate number E-2416
10 heretofore issued to respondent James A. McFarland, D.P.M.; and

11 2. Taking such other and further action as the
12 committee may deem necessary and proper under the circumstances.

13 DATED: September 4, 1980

14 
15 Robert G. Rowland
16 Executive Director
17 Board of Medical Quality Assurance
18 State of California

19 Complainant
20
21
22
23
24
25

RPL:ls

03576110- 26

LABOARD1116 27

1 GEORGE DEUKMEJIAN, Attorney General
 2 of the State of California
 3 KARL S. ENGEMAN, Deputy Attorney General
 4 555 Capitol Mall, Suite 350
 Sacramento, California 95814
 Telephone: (916) 445-1939
 5 Attorneys for Complainant
 6
 7

8 BEFORE THE
 9 PODIATRY EXAMINING COMMITTEE
 10 DIVISION OF ALLIED HEALTH PROFESSIONS
 BOARD OF MEDICAL QUALITY ASSURANCE
 11 DEPARTMENT OF CONSUMER AFFAIRS
 STATE OF CALIFORNIA

12 In the Matter of the Accusation)
 13 Against:) No. D-2626
 14 JAMES ALAN McFARLAND, D.P.M.) ACCUSATION
 Certificate No. E2416)
 15 3030 H Street)
 Bakersfield, California)
 16 Respondent.)

17
 18 COMES NOW THE COMPLAINANT, ALDO A. AVELLIANO, JR., and
 19 as causes for disciplinary action against the above-named
 20 Respondent, alleges as follows:

21 I
 22 Complainant, Aldo A. Avellino, Jr., is the Executive
 23 Officer of the Podiatry Examining Committee of the Division of
 24 Allied Health Professions of the Board of Medical Quality
 25 Assurance of the State of California (hereinafter referred to as
 26 the "Committee") and makes this Accusation solely in such official
 27 capacity.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

II

Respondent, James A. McFarland, D.P.M., on or about May 18, 1979, was issued Podiatry Certificate No. E2416 by the Podiatry Examining Committee.

III

Section 2525.12 of the Business and Professions Code provides as follows:

"(a) The examining committee may order the denial of an application for, or the suspension of, or the revocation of, or the imposition of probationary conditions upon, a certificate to practice podiatric medicine for any of the causes set forth in Articles 13 and 13.5 (commencing with Sections 2360 and 2416, respectively) of this chapter.

"(b) The examining committee may hear all matters, including but not limited to, any contested case or any petition for reinstatement, or modification of probation, or may assign any such matters to a hearing officer. Except as otherwise provided in this chapter, all such hearings shall be conducted in accordance with the provisions of Chapter 5 (commencing with Section 11500), Part 1, Division 3, Title 2 of the Government Code. If a contested case is heard by the examining committee, the hearing officer who presided at the hearing shall be present during the committee's consideration of the case and, if requested, shall assist and advise the committee.

regulating narcotics, dangerous drugs or controlled substances, constitutes unprofessional conduct within the meaning of this chapter. The record of the conviction is conclusive evidence of such unprofessional conduct. A plea or verdict of guilty or a conviction following a plea of nolo contendere is deemed to be a conviction within the meaning of this section. The Division of Medical Quality may order the license suspended or revoked, or may decline to issue a license, when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal or when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under the provisions of Section 1203.4 of the Penal Code allowing such person to withdraw his plea of guilty and to enter a plea of not guilty, or setting aside the verdict of guilty, or dismissing the accusation, information or indictment."

VI

20 Section 2390 of the Business and Professions Code
21 provides as follows:

"The use or prescribing for or administering to himself, of any of the controlled substances specified in Schedule I of Section 11054, or Schedule II of Section 11055, or any narcotic drug specified in Schedule III of Section 11056, of the Health and Safety Code; or the use of any of the dangerous drugs specified

1 in Section 4211 of this code, or of alcoholic beverages.
2 to the extent, or in such a manner as to be dangerous
3 or injurious to a person holding a certificate under
4 this chapter, or to any other person or to the public,
5 or to the extent that such use impairs the ability of
6 such person so holding such certificate to conduct with
7 safety to the public the practice authorized by such
8 certificate or the conviction of more than one misde-
9 meanor or any felony involving the use, consumption
10 or self-administration of any of the substances referred
11 to in this section or any combination thereof constitutes
12 unprofessional conduct within the meaning of this
13 chapter; the record of the conviction is conclusive
14 evidence of such unprofessional conduct; a plea or
15 verdict of guilty or a conviction following a plea of
16 nolo contendere is deemed to be a conviction within
17 the meaning of this section; the Division of Medical
18 Quality may order the license suspended or revoked, or
19 may decline to issue a license, when the time for appeal
20 has elapsed or the judgment of conviction has been affirmed
21 on appeal or when an order granting probation is made
22 suspending imposition of sentence, irrespective of a
23 subsequent order under the provisions of Section 1203.4
24 of the Penal Code allowing such person to withdraw his
25 plea of guilty and to enter a plea of not guilty, or
26 setting aside the verdict of guilty, or dismissing the
27 accusation, information or indictment."

Respondent is guilty of unprofessional conduct as defined by sections 2384 and 2390 of the Business and Professions Code and thereby subject to discipline pursuant to sections 2361 and 2365.12 of the Business Professions Code in that Respondent has used and administered to himself controlled substances specified in Schedule I of section 11054 of the Health and Safety Code, to wit: heroin, and has been convicted of a charge of violating federal statutes and rules regulating narcotics, dangerous drugs and controlled substances. The specifics are set forth hereinafter:

On or about January 4, 1978, Respondent was convicted of violating Articles 121 and 134 of the Uniform Code of Military Justice. A true and correct copy of the court martial proceedings is attached hereto as Exhibit A and hereby incorporated by reference as if fully set forth herein. Respondent's convictions were in part based upon his plea of guilty to certain specifications including his wrongful use of heroin on divers occasions between on or about April 1, 1977, and on or about July 8, 1977.

WHEREFORE, Complainant prays that the Podiatry Examining Committee hold a hearing on the matters alleged herein and following a hearing issue a decision:

1. Revoking or suspending the certificate of Respondent;
2. Taking such other and further action as is deemed necessary and proper.

Dated: November 3, 1980.

PODIATRY EXAMINING COMMITTEE
DIVISION OF ALLIED HEALTH PROFESSIONS
BOARD OF MEDICAL QUALITY ASSURANCE

By Aldo A. Allevino, Jr.
Aldo A. Allevino, Jr.
Executive Officer
Complainant

DEPARTMENT OF THE AIR FORCE
HEADQUARTERS FIFTH AIR FORCE (PACAF)
APO San Francisco 96378

General Court-Martial Order
No. 6

15 February 1978

Before a general court-martial which convened at Clark Air Base, Republic of the Philippines, pursuant to Special Order AD-14 Headquarters Thirteenth Air Force (PACAF), APO San Francisco 96274, dated 22 September 1977, was arraigned and tried:

CAPTAIN JAMES A. MCFARLAND, [REDACTED], United States Air Force, USAF Hospital Clark.

CHARGE I: Violation of the Uniform Code of Military Justice, Article 108.

Specification: In that CAPTAIN JAMES A. MCFARLAND, United States Air Force, United States Air Force Hospital Clark, then First Lieutenant James A. McFarland, United States Air Force, United States Air Force Hospital Clark, did, at Clark Air Base, Republic of the Philippines, on or about 28 June 1977, without proper authority, dispose of by transferring to Airman Joseph P. Hale, one Pelton and Crane Co. sterilizer, FSN 6530-782-6503, DSA 120-73-C-3638-U.S., of a value of about \$200.00, military property of the United States.

CHARGE II: Violation of the Uniform Code of Military Justice, Article 121.

Specification: In that CAPTAIN JAMES A. MCFARLAND, United States Air Force, United States Air Force Hospital Clark, then First Lieutenant James A. McFarland, United States Air Force, United States Air Force Hospital Clark, did, at Clark Air Base, Republic of the Philippines, between 1 March 1977 and 28 June 1977, steal one Pelton and Crane Co. sterilizer, FSN 6530-782-6503, DSA 120-73-C-3638-U.S., of a value of about \$200.00, the property of the United States.

CHARGE III: Violation of the Uniform Code of Military Justice, Article 134.

Specification 1: In that CAPTAIN JAMES A. MCFARLAND, United States Air Force, United States Air Force Hospital Clark, then First Lieutenant James A. McFarland, United States Air Force, United States Air Force Hospital Clark, did, at Clark Air Base, Republic of the Philippines, at diverse times between about 1 December 1976 and about 8 July 1977, wrongfully use marijuana.

OFFICE OF THE JUDGE ADVOCATE GENERAL, DEPT. OF THE AIR FORCE
The Judge Advocate General's Office
1000 10th Avenue
PO Box 10000
San Francisco, CA 94160

Edward J. Smith
EDWARD J. SMITH
Judge Advocate General
Court of Military Appeals

Specification 2: In that CAPTAIN JAMES A. MCFARLAND, United States Air Force, United States Air Force Hospital Clark, did, at Angeles City, Republic of the Philippines, on or about 1 July 1977, wrongfully have in his possession, some marijuana.

ADDITIONAL CHARGE: Violation of the Uniform Code of Military Justice, Article 134.

Specification 1: In that CAPTAIN JAMES A. MCFARLAND, United States Air Force, United States Air Force Hospital Clark, then FIRST LIEUTENANT JAMES A. MCFARLAND, United States Air Force, United States Air Force Hospital Clark, did, at or near Clark Air Base, Republic of the Philippines, on diverse occasions between about 1 April 1977 and about 8 July 1977, wrongfully use a habit forming narcotic drug, to wit: heroin.

Specification 2: In that CAPTAIN JAMES A. MCFARLAND, United States Air Force, United States Air Force Hospital Clark, did, at Clark Air Base, Republic of the Philippines, on or about 26 August 1977, wrongfully use marijuana.

Specification 3: In that CAPTAIN JAMES A. MCFARLAND, United States Air Force, United States Air Force Hospital Clark, did, at Clark Air Base, Republic of the Philippines, on or about 26 August 1977, wrongfully have in his possession some marijuana.

PLEAS: To the Specification of Charge I and Charge I: Not Guilty.

To the Specification of Charge II and Charge II: Not Guilty.

To the Specifications of Charge III and Charge III: Guilty.

To the Specifications of the Additional Charge and the Additional Charge: Guilty.

FINDINGS: Of the Specification of Charge I and Charge I: Not Guilty.

Of the Specification of Charge II and Charge II: Guilty.

Of the Specifications of Charge III and Charge III: Guilty.

Of the Specifications of the Additional Charge and the Additional Charge: Guilty.

SENTENCE: To be confined at hard labor for ten months, to forfeit all pay and allowances, and to be dismissed from the service. (No previous convictions considered.)

DATE ADJUDGED: The sentence was adjudged on 4 January 1978.

ACTION OF THE OFFICER EXERCISING GENERAL COURT-MARTIAL JURISDICTION:

DEPARTMENT OF THE AIR FORCE, HEADQUARTERS FIFTH AIR FORCE (PACAF), APO San Francisco 96328, 15 February 1978

GCMO No. 6 , 1 USAF, APO San Francisco 9 28, 15 February 1973

In the foregoing case of CAPTAIN JAMES A. MCFARLAND, ~~United States Air Force, USAF Hospital Clark,~~ the sentence is approved. The service of the sentence to confinement at hard labor for 10 months was deferred on 4 January 1973 and is rescinded effective this date. The forfeitures shall apply to pay and allowances becoming due on and after the date of this action. The record of trial is forwarded to The Judge Advocate General of the United States Air Force for review by a Court of Military Review. Pending completion of appellate review, the accused will be confined in the United States Disciplinary Barracks, Fort Leavenworth, Kansas, or elsewhere as competent authority may direct.

s/George G. Loving, Jr.
GEORGE G. LOVING, JR., Lt General, USAF
Commander

FOR THE COMMANDER

Eddie J. Kaiser
EDDIE J. KAISER, MSgt, USAF
NCOIC, Office of the Staff Judge Advocate

DISTRIBUTION:

- 1 - CAPT JAMES A. MCFARLAND, USAF Hosp Clark, APO San Francisco 96274 (ACC)
- 1 - Maj J. Jeremiah Mahoney, USAF Trial Judiciary, APO San Francisco 96274 (MJ)
- 1 - Capt Richard H. Miller, USAF Trial Judiciary, APO San Francisco 96274 (TC)
- 1 - Capt James R. Hill, JCSG, APO San Francisco 96274 (ATC)
- 1 - Lt Col James E. Lawrence, USAF Trial Judiciary, APO San Francisco 96274 (DC)
- 1 - 5AF/CC, APO San Francisco 96328
- 1 - 13AF/CC, APO San Francisco 96274
- 1 - 3CSG/CC, APO San Francisco 96274
- 3 - USAF Hospital Clark, APO San Francisco 96274
- 1 - 3SPS/CC, APO San Francisco 96274
- 1 - 3SPS/SPOLC, APO San Francisco 96274
- 10 - HQ USAF/JAJN, 1900 Half Street, Wash DC 20324
- 5 - 5AF/JA APO San Francisco 96328
- 1 - AFMPC/DPMAJB, Randolph AFB TX 78148
- 3 - 3CSG/AFO, APO San Francisco 96274
- 2 - USDB (ATZL-DB-CL), Ft Leavenworth KS 66027
- 1 - AFMPC/DFMDRR, Randolph AFB TX 78148
- 1 - AFAFC/MPOPF, Denver CO 80279
- 4 - 3CSG/DPMO, APO San Francisco 96274
- 1 - HQ PACAF/JA, Hickam AFB HI 96853
- 1 - USAF Trial Judiciary, APO San Francisco 96274
- 15 - Commandant, USDB, Ft Leavenworth KS 66027
- 2 - HQ LTTC/JA, Lowry AFB CO 80230
- 1 - Professors of Law, USAF Academy, CO 80840
- 1 - Professors of Law, US Mil Academy, West Point, NY 10996
- 1 - Professors of Law, US Naval Academy, Annapolis, MD 21402
- 1 - 3CSG/JA, APO San Francisco 96274

GCMO 3, DAF, was the last of the series for 1977

DEPARTMENT OF THE AIR FORCE
WASHINGTON

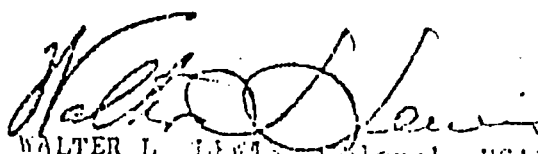
General Court-Martial Order
No. 1

1 December 1978

In the general court-martial case of CAPTAIN JAMES A. McFARLAND, [REDACTED], United States Air Force Hospital, Clark, the sentence to dismissal, confinement at hard labor for ten months, and total forfeitures, as promulgated in General Court-Martial Order No. 6, Headquarters Fifth Air Force (PACAF), dated 15 February 1978, has been affirmed. The following action by the Secretary of the Air Force was taken on 1 December 1978: "The sentence to dismissal, confinement at hard labor for ten months, and total forfeitures is approved. The confinement in excess of nine months having been previously remitted, the remaining portions of the sentence will be duly executed." The provisions of Article 71(b) having been complied with, the sentence will be duly executed. CAPTAIN JAMES A. McFARLAND, [REDACTED], ceased to be an officer of the United States Air Force at 2400 hours, 18 December 1978. The sentence was adjudged on 4 January 1979 (ACM 22345).

BY ORDER OF THE SECRETARY OF THE AIR FORCE

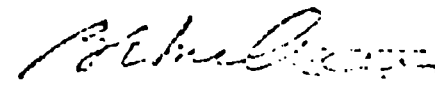
LEW ALLEN, JR., General, USAF
Chief of Staff


WALTER L. LEWIS, Colonel, USAF
Director, USAF Judiciary
Office of The Judge Advocate General

DISTRIBUTION

- 1-Capt James A. McFarland, USAF Hosp Clark, APO San Francisco 96274
- 1-Maj J. Jeremiah Mahoney, USAF Trial Judiciary, APO San Francisco 96274 (MJ)
- 1-Capt Richard H. Miller, USAF Trial Judiciary, APO San Francisco 96274 (TC)
- 1-Capt James R. Hill, 3CSG, APO San Francisco 96274 (ATC)

FOR THE SECRETARY OF THE AIR FORCE


G. E. McFARLAND, CMSgt USAF
USAF Judiciary
Office of The Judge Advocate General

GCMO No. 1

1-Lt Col James E. Lawrence, USAF Trial Judiciary, APO San Francisco 96274
 1-5AF/CC, APO San Francisco 96274
 1-13AF/CC, APO San Francisco 96274
 1-3CSG/CC, APO San Francisco 96274
 3-USAF Hospital Clerk, APO San Francisco 96274
 1-3SPS/CC, APO San Francisco 96274
 1-3SPS/STOLE, APO San Francisco 96274
 10-HQ USAF/JAQM, 1900 Half Street SW, Wash DC 20334
 5-5AF/JA, APO San Francisco 96274
 1-AFCS/CC, Richards Gebaur AFB MO 64030
 1-AFMPC/DDMAJB, Randolph AFB TX 78148
 1-AFMPC/DDMDRR, Randolph AFB TX 78148
 1-AFMPC/DDMAK02, Randolph AFB TX 78148
 1-AFCS/JA, Richards Gebaur AFB MO 64030
 1-Professor of Law, USAF Academy CO 99340
 1-Professor of Law, USMA, West Point NY 10996
 1-Professor of Law, US Naval Academy, Annapolis MD 21402
 3-3CSG/AFO, APO San Francisco 96274
 2-USDB (ATZL-DB-CL), Ft Leavenworth KS 66027
 1-AFAFC/MPOPF, Denver CO 80279
 4-3CSG/DDMO, APO San Francisco 96274
 1-HQ PACAF/JA, Hickam AFB HI 96813
 1-USAF Trial Judiciary, APO San Francisco 96274
 10-Commandant, USDB, Ft Leavenworth KS 66027
 2-HQ LTC/JA, Lowry AFB CO 80220